

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A        )     Supreme Court  
JUDGE, NO. 02-487                )     Case No. SC03-1171  
\_\_\_\_\_)     

**JUDICIAL QUALIFICATIONS COMMISSIONS'  
OBJECTIONS AND MOTION TO STRIKE  
\_\_\_\_\_  
WITNESSES AND EXHIBITS**

The Florida Judicial Qualifications Commission, pursuant to the Order Scheduling Hearing and Prehearing Conference dated November 18, 2003, hereby objects and moves to strike as follows:

1.     From the respondent's Prehearing Statement witness list the following:

Colonel John Powers, United States Air Force.  
Colonel Howard Donaldson, United States Air Force.  
Lieutenant Colonel Lauren Johnson-Naumann,  
United States Air Force.

The grounds for striking these witnesses is the failure of the respondent to comply with the order by not adequately describing the subject matter of the testimony of these witnesses.



2. From the respondent's Prehearing Statement exhibit list the following:

Deposition of Lorraine Nasco  
Deposition of Sylvia B. Morgan  
Deposition of Michael S. Musial  
Deposition of Detective James W. Bartoszak  
Deposition of Detective Dolvin "Bill" Todd

The ground for not admitting these depositions is that these witnesses are subject to the subpoena power to appear as witnesses at the hearing.

Affidavit of Colonel Mary V. Perry  
Affidavit of Lieutenant Colonel Dixie A. Morrow  
Affidavit of Colonel Glenn L. Spitzer  
Affidavit of Lieutenant Colonel Daryl E. Trawick  
Affidavit of Lieutenant Colonel Kirk Granier  
Affidavit of Lieutenant Colonel John S. Odom, Jr.  
Affidavit of Sharon M. Vollrath  
Affidavit of Colonel (Retired) Howard L. Donaldson  
Affidavit of James J. Cusack, Esquire  
Affidavit of Clifton C. Curry, Jr., Esquire  
Affidavit of Detective James W. Bartoszak  
Affidavit of Detective Dolvin "Bill" Todd  
Affidavit of John S. Vento, Esquire  
Affidavit of James C. Russick, Esquire  
Affidavit of Kevin C. Ambler, Major,  
United States Air Force Reserve  
Affidavit of John F. Rudy, II, Esquire  
Affidavit of Patricia F. Anderson, Esquire

The ground for not admitting these affidavits is that the affidavits are hearsay, contain inadmissible opinion testimony and, to the extent that they purport to provide character

evidence, go beyond what is permissible under Florida Evidence Rule 90.405. Copies of the affidavits are filed herewith.

INVESTIGATIVE PANEL OF THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION

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- and -

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Certificate of Service

I DO HEREBY CERTIFY that a copy of the foregoing has been furnished to each of the following by Federal Express this \_\_\_\_\_ day of December, 2003.

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